

SECTION XIII.—FORESTS RESERVED BEFORE THE ACT.

A few words with regard to section 34 of the Indian Act (Burma, 30) may here be added.

When the latest Acts came into force, it was necessary to say what was to be done with those forests which had been already "Reserved" or made "Government Forest" under the Act of 1865 or local rules.

In Burma, it was well known that all existing reserves had been formally demarcated under a procedure closely resembling that prescribed by the Forest Act of 1881, consequently it was sufficient to prescribe in section 30, that all forests previously reserved, might be treated in all respects as if they had been reserved under the Act itself. But in the several provinces of India, the older procedure in constituting "Reserved" or "Government" forests had been too various, and some cases too imperfect, to admit of the Act making any general declaration that what had been done before was to be taken as if done under the Act. Section 34 of the (Indian) Act consequently provided that Government should within a fixed time consider the matter, and gazette the forests accordingly. Where the Government thought that there had been a sufficient settlement and record of rights, these rights would remain as recorded, and the forest would be "Reserved" under the Act. Where the Government was not satisfied that a proper settlement had been made, then the declaration that the forest was reserved would still be issued, but the law provided that the declaration would not abridge or affect any rights not settled. A question has arisen in Bombay, and possibly may arise elsewhere, as to the consequences of this section, where, in the course of settlement, it is decided by the Settlement Officer that land hitherto included in the old reserve is private property. I think in that case that no sanction of Government under section 26 is needed, for striking the lands so declared off the list of Reserved Forest, for when the declaration under section 34 is made, and it is expressly ordered that the land is reserved *subject* to a settlement of rights, it is clear